

5-14-2020 – MAY REGULAR MEETING

Present:
Councilman Mike Domster
Councilman Leonard R. Hochadel
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Also Present:
Highway Superintendent Donald Hopkins
Town Clerk Jennifer L Bray
Approx. 6 guests

Supervisor Gambino called the regular May meeting to order at 6:30 PM, with the Pledge to the Flag led by veteran Tony Korcz. Supervisor Gambino stated that Councilwomen Emmick had submitted a letter of resignation effective May 1st due to moving out of town.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes. Supervisor Gambino noted that due to COVID19 restrictions that there was no meeting held in April. Instead a sign off sheet approving the payment of the monthly bills and appointment of Danielle Scott was done and that there were two sets of minutes from March to approve. One set minutes for the public hearing on regarding the Code Book adoption held on March 12th, 2020 and one set of minutes for the Regular Town Board meeting held on March 12th 2020. **On a motion by Marsh, seconded by Hochadel, the minutes were approved, as submitted. Carried, 4 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda is to approve the payment of the bills. **Warrant #5 of 2020, including vouchers # 211 through # 275, totaling \$52,734.40, of which \$40,199.96 was for the General Fund and \$10,138.08 was for the Highway Fund, \$1,218.30 was for the Fire Protection Fund and \$1,178.06 was for the Street Lighting Fund. On a motion by Marsh, seconded by Domster, the Warrant was approved for payment. Carried, 4 ayes, 0 noes.**

Departmental Reports were as follows:

Councilman Marsh reported that he had been in contact with Arcade Electric due to a cost increase of the new lighting that was approved in March. Councilman Marsh noted that Arcade Electric has agreed to split the cost of the increase. Councilman Marsh also reported that he had been in contact with NYSEG regarding the additional lighting on RT. 16 but the prices are much higher than expected. Councilman Marsh stated he had also been in contact and had discussions with Attorney David DiMatteo regarding the intervenor funds for the Genesee Rd Solar project. Lastly Councilman Marsh reported that he had spoken with Sandy Fliss from the Sardinia Seniors and stated that at this time due to the restriction from the coronavirus they do not have any trips planned.

Councilman Domster had nothing to report.

Councilman Hochadel reported that the concerts in the park are still planned and will hopefully still happen. Councilman Hochadel noted that the New York State burn ban will end May 15th.

Supervisor Gambino stated that the first item she had was a resolution from Attorney David DiMatteo regarding the awarding of the intervenor funds for the Genesee Rd. Solar project and will authorize her to sign any needed documents. Supervisor Gambino noted that the Town had asked for \$52,062.50 from the fund and has been awarded \$40,000.00. Supervisor Gambino noted that the Town can use these funds for attorney and engineering fees. **Therefore the following resolution, to be known as Resolution #19 of 2020, was moved for adoption on a motion by Marsh, seconded by Domster:**

RESOLUTION #19 – 2020

EXECUTION OF DOCUMENTS WITH REGARD TO INTERVENOR FUNDS

WHEREAS, the Town Board of the Town of Sardinia met at a regular board meeting at the Town Hall in the Town of Sardinia, New York, on May 14, 2020, commencing at 6:30 p.m., at which time and place the following members were:

Present: Supervisor Gambino
Councilman Domster
Councilman Hochadel
Councilman Marsh

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo’s Executive Order 202.1 dated March 7, 2020, said meeting was open to the public subject to social distancing guidelines as a result of the COVID-19 pandemic; and

WHEREAS, on September 23, 2019, EDF Renewables (the “Applicant”) filed a Public Involvement Program Plan with the New York State Department of Public Service advising that they will be seeking a Certificate of Environmental Compatibility and Public Need (“Certificate”), under Article 10 of the Public

Service Law, to construct the Genesee Road Solar Energy Center ("the Project") - an approximately 350-MW solar powered electric generating facility proposed to be located in the Towns of Sardinia and Concord, County of Erie, New York ; and

WHEREAS, on March 17, 2020, the Town received notice from the Secretary of the New York State Public Service Commission that the Applicant submitted the required \$112,500.00 as pre-application intervenor funds with at least 50% of the intervenor funds available to eligible municipalities for use in contributing to a complete record leading to an informed decision by the New York State Board on Electric Generation Siting and the Environment (Siting Board) as to the appropriateness of the site and facility; and

WHEREAS, as the Town Board was not able to hold a regular meeting in April of 2020 due to the COVID-19 pandemic, the Town Supervisor distributed a letter dated April 24, 2020, to the Town Board advising that the application for intervenor funds had been discussed with special counsel, Attorney David M. DiMatteo, and the engineering consultant, Andrew C. Reilly of Wendel, and it was proposed that the Town should 85% of the available municipal intervenor funds for a total of \$52,062.50; and

WHEREAS, all board members, having reviewed the letter from Supervisor Gambino dated April 24, 2020, had no objection to the proposed request and approved that the Request for Intervenor Funds form (the "RFIF") be submitted for \$52,062.50; and

WHEREAS, the RFIF was prepared by Attorney David M. DiMatteo and filed with the Department of Public Service on April 30, 2020; and

WHEREAS, the Honorable Ashley Moreno and Honorable Michele Stefanucci, the Presiding Examiners of this Article 10 case, issued the "RULING CONFIRMING PRE-APPLICATION INTERVENOR FUNDING AWARD AND COMMENCEMENT OF STIPULATIONS PROCESS" on May 6, 2020, which advised that the Town of Sardinia had been awarded \$40,000.00 in intervenor funds with leave to apply for more; and

WHEREAS, the Town Board finds it in the best interest of the Town of Sardinia to authorize and empower, Beverly Gambino, Supervisor of the Town of Sardinia, to execute any administrative documentation with regard to the intervenor funds.

NOW ON MOTION OF Councilman Marsh which has been duly seconded by Councilman Domster, now, therefore be it

RESOLVED, that the Town Board of the Town of Sardinia acknowledges that the Town of Sardinia has been awarded \$40,000.00 in intervenor funds, with leave to apply for more, for review of the Genesee Road Solar Project under Article 10; and be it further

RESOLVED, that the Town Board of the Town of Sardinia hereby authorizes and empowers Beverly Gambino, Supervisor of the Town of Sardinia, to execute any administrative documentation with regard to the intervenor funds.

DULY ADOPTED, this 14th day of May, 2020 by the following vote: Domster aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes.

Supervisor Gambino reported that the Town had hosted a food distribution event with Feed More NY on Saturday May 9th. Supervisor Gambino noted that food was distributed to 122 households and 336 individuals. Next Supervisor Gambino stated that she had received the application to host the annual flu clinic. Supervisor Gambino noted that she had requested dates around Halloween as has been done in the past. Lastly Supervisor Gambino noted that the Town had received the Blue Buffalo from Roswell Park for the fundraiser that the Town had done. Supervisor Gambino stated that the Town of Sardinia is the second town to receive one along with the Town of North Collins who had started the challenge.

Highway Superintendent Hopkins reported on spring work that the Highway employees have been doing as well as work that will be taking place. Superintendent Hopkins reported that he was not able to get prices from dealers on the value of the 1999 International truck that was taken off the road therefor he requested permission to list the 1999 International truck on Auctions International. After a brief discussion it was agreed to list the truck as well as a few surplus windows that the Town has on Auctions International. **On a motion by Marsh, seconded by Hochadel, Superintendent Hopkins was given approval to list the truck and windows for sale, on Auctions International. Carried, 4 ayes, 0 noes.** Lastly Superintendent Hopkins stated that Suit Kote will be available next week to do the in place recycle of Mehm Rd from Genesee Rd to Domes a distance of .75 miles and at a cost of \$85,000.00. Therefor he requested that the Board approve his 284 Agreement to spend Highway Funds. **On a motion by Gambino, seconded by Hochadel, the form 284 was approved as submitted. Carried, 4 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda was a resolution to approve Katelyn Kittleson as a volunteer fireman for the Chaffee Sardinia Fire Company. **Therefore the following resolution, to be known as Resolution #20 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

RESOLUTION #20 – 2020

APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN

WHEREAS, the Sardinia Town Board is in receipt of the application of,

Katelyn A. Kittleson, 12020 Savage Road, Chaffee, NY 14030

Who has applied for a volunteer position as a Volunteer Firefighter to the Chaffee-Sardinia Memorial Fire Company and,

WHEREAS, the Sardinia Town Board supports and approves this appointment of Katelyn A. Kittleson,

NOW THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of Katelyn A. Kittleson, Volunteer Fireman to the Chaffee-Sardinia Memorial Fire Department.

Be it so resolved,

DULY ADOPTED, this 14th day of May, 2020 by the following vote: Domster aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was a resolution to approve the renewal of the shelter lease agreement with Duane DeGolier the Town Dog Control Officer. **Therefore the following resolution, to be known as Resolution #21 of 2020, was moved for adoption on a motion by Domster, seconded by Marsh:**

RESOLUTION #21 – 2020

APPROVAL OF SHELTER LEASE AGREEMENT WITH DOG CONTROL OFFICER

WHEREAS, the lease entered into between the Town and Mr. Duane DeGolier to provide care and shelter to dogs seized by the Town's Dog Control Officer expires on or about May 8th 2020,

WHEREAS, the Sardinia Town Board has received and reviewed a copy of the current lease;
and

WHEREAS, the Town has been satisfied with the services provided by Mr. DeGolier and approves the lease as stands, and;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to execute the Shelter Lease Agreement between the Town of Sardinia and Mr. Duane DeGolier for the services to provide care and shelter to dogs seized by the Dog Control Officer; and

Be it so resolved,

DULY ADOPTED, this 14th day of May, 2020 by the following vote: Domster aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was resolution to approve the cost increase for the new street lighting to be done by the Village of Arcade. **Therefore the following resolution, to be known as Resolution #22 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

RESOLUTION #22 – 2020

APPROVAL OF ADJUSTMENT TO STREET LIGHTING ESTIMATE WITH THE VILLAGE OF ARCADE

WHEREAS, since the original estimate from Village of Arcade for the proposed street lights on Route 16, have since had a significant increase in the price of the street light arms, and

WHEREAS, Larry Kilburn, Superintendent of Public Works has proposed to the Town of Sardinia that the Village of Arcade is willing to split the difference in the increase, and

WHEREAS, the original estimate was \$12,500.00 and by splitting the difference the invoice becomes \$12,950. A difference (increase) of \$450.00, and

NOW THEREFORE BE IT RESOLVED, that the Sardinia Town Board hereby agrees to pay the increase of the estimate of the four proposed street lights on Route 16 for a new total of \$12,950.00.

Be it so resolved,

DULY ADOPTED, this 14th day of May, 2020 by the following vote: Domster aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was resolution regarding the status of the summer recreation program, the swimming pool and the Town parks. Supervisor Gambino noted that this

is normally the time of year that the Town would be appointing recreation attendants and lifeguards. But after much discussion the board has decided that it would be best to cancel the summer recreation and swim programs for this summer due to the COVID-19 Pandemic. Supervisor Gambino stated that the shelter rentals would be evaluated on a month by month basis and that for now the rentals in June will be cancelled. **Therefore the following resolution, to be known as Resolution #23 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

RESOLUTION #23 – 2020

APPROVAL TO CLOSE THE SUMMER RECREATION AND SWIM PROGRAMS FOR THE YEAR 2020 DUE TO THE COVID – 19 PANDEMIC and LIMIT PARK SHELTER RENTALS

WHEREAS, the world has been exposed to a new pandemic, Covid – 19 in which many uncertainties are still trying to be explained, and many deaths have occurred, and

WHEREAS, people are learning a new way of interacting called “social distancing”, and

WHEREAS, in the best interest of our children, and citizens of Sardinia, it has been decided that for one year The Town Board will suspend both its recreation program and also its Swim program, and

WHEREAS, the Town Board also believes it is in the best interest the Town Pool will also be closed for one year for open swim, including any water sports, Zumba, or the like, and

WHEREAS, the Town Board will look at the Shelters rentals both in Veterans Park, and Manion Park on a month to month basis and decide if rentals will occur in the summer months, and,

WHEREAS, the upcoming month of June the Town of Sardinia is not renting shelters at Veterans or Manion Park, and

WHEREAS, at the next scheduled regular Town Board Meeting on June 11th 2020 the decision to rent shelters for the month of July will be decided, and

NOW THEREFORE BE IT RESOLVED, that the Sardinia Town Board hereby agrees to suspend the summer recreation, and swim programs, including open swim for the year 2020, and also agrees that on a month to month basis that they will decide if shelters are going to be rented in the following month, with the month of June 2020 having no shelter rentals allowed for both Veterans Park and Manion Park.

Be it so resolved,

DULY ADOPTED, this 14th day of May, 2020 by the following vote: Domster aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes.

Lastly Supervisor Gambino stated that she would like to set up a work session with Paul Chatfield the Town Engineer and his architect Rob Wolfe on May 28th at 5 p.m. to look at pool house at Veterans Park and the bathrooms at Manion Park. Supervisor Gambino noted she would like to discuss any items that need to be done to finish the Town Hall Façade project. **On a motion by Domster, seconded by Marsh, the work session was set for May 28th. Carried, 4 ayes, 0 noes.**

There being no further business to come before the Board, Councilman Hochadel made a motion to adjourn the May meeting in memory of Donald Vacinek, Marlene Keller and Betty Calverley. The motion was seconded by Councilman Marsh and the meeting was adjourned at 6:47 p.m. Carried 4 ayes, 0 noes.

Respectfully Submitted,

Town Clerk